

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

WILBALDO GALLARDO-ROMERO

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Case No. 4:07cr209
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 22, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Randall Blake.

On July 8, 2008, Defendant was sentenced by the Honorable Richard A. Schell to thirty (30) months' custody followed by three (3) years of supervised release for the offense of Reentry of Deported Alien. On April 20, 2011, Defendant completed his period of imprisonment and began service of his supervised term.

On July 22, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state, or local crime. The petition asserted that Defendant violated the following special condition: As a special condition of supervised release, immediately upon release from confinement, the defendant shall be surrendered to a duly authorized immigration official for deportation proceedings. If ordered deported, the defendant shall remain outside of the United States.

The petition alleges that Defendant committed the following acts: On July 5, 2011, U.S.

Customs and Border Patrol agents made contact with the defendant at the Penitas Ranch located in Laredo, Texas, and determined he was a citizen of Mexico, and did not have legal permission to enter the United States on or about July 3, 2011. Defendant was placed under arrest and transported to the Laredo North Patrol Station for processing. On July 6, 2011, Defendant entered a plea of guilty to the offense of Entering and Attempting to Enter into the United States at a Place other than as Designated by the Immigration Officers, in violation of 8 U.S.C. § 1325(a)(1), in the U.S. District Court for the Southern District of Texas, Case No. 5:11-PO-4856. Defendant was found guilty by U.S. Magistrate Judge Guillermo R. Garcia, and sentenced to 180 days' confinement, with a special condition not to return to the United States illegally or commit any other violation of federal and/or state laws, and assessed a \$10 special assessment.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Beaumont Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 23rd day of September, 2011.

A handwritten signature in black ink, appearing to read "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE